

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/522,407

REMARKS

Claims 1-13 are all the claims pending in the application. Claims 1-13 presently stand rejected.

Claims 1, 2, 4 and 6-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shima (EP 820 032 A2) and Shima et al. (EP 0 782 067 A2).

Claims 3 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shima (EP 820 032 A2) and Shima et al. (EP 0 782 067 A2) in view of Utsunomiya (5,822,500).

Analysis

Claim 1 is rejected as being obviousness over the combination of Shima '032 and Shima '067.

To review briefly, Shima '032 is directed to a printing system wherein each print job is prioritized with respect to the other print jobs. Thus, a number of print jobs (e.g., H1-H4) are assigned a particular order for printing. See cols. 5-6.

In the Office Action, the Examiner asserts that Shima '032 "discloses altering the order of execution by shifting processing from one job to another in order to maximize efficiency".

While the entire print job may be assigned a particular rank in priority, the priorities of the elemental tasks within each print job are not changed or varied. In other words, each *task within a print job* is not changed according to the timing of predetermined events; rather, such tasks (e.g., intermediate code generation of the print data and printing) are consistently performed in the same order for each print job.

Still further, the Examiner refers to col. 6, lines 13-24 for teaching that the ordering of the tasks is altered. However, col. 6, lines 1-12, explains that each print job is assigned a priority, 1

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to 4. The priority of each print job is based on size and speed of the print data and data transfer. Lines 13-24 explain that print job H2 is executed before the other print jobs; however, there is no suggestion that the various tasks within each print job are exclusively selected and executed according to each priority.

Shima '067 mentions various types of tasks that are assigned priorities, however, the priority of these tasks is not varied. There is simply no teaching or suggestion that the assigned priority for each task ever changes, or that a predetermined event would trigger a change in priority.

Thus, even if one were to combine the references, one of ordinary skill in the art would not have known to modify this combination of references so that a relative order of priorities of tasks is varied, or that the occurrence of a predetermined event would trigger a variance in the order of the tasks.

In view of the foregoing, claim 1 is patentable.

Claim 7 is rejected as being obvious over the combination of Shima '032 and Shima '067.

In the Office Action (paragraph 30), the Examiner asserts that it would have been obvious to execute any tasks with higher priority than other tasks in order to increase efficiency. However, none of the cited references teaches or suggests that if a predetermined event occurs during processing for generating a print request by the image generation means, the writing means is executed more precedently than a generation of the request for printing by the image generation means. The mere general motivation of increasing efficiency is not enough to support

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an obviousness rejection. There must be some teaching in the references of this feature; however, none of the references provide any teaching for this feature of claim 7.

Thus, claim 7 is patentable.

Turning to claim 10, the Examiner maintains that both Shima '032 and '067 disclose an auxiliary storage. See paragraph 6 of the Office Action.

However, neither of the cited references, whether taken alone or in combination, teaches or suggests that a priority of the writing process and a priority of the generation process are reversed every predetermined time interval. As discussed on page 21 (lines 5-8) of the specification, in the present invention, the priority of the task for writing to the HD and the priority of the task for reading from the HD are dynamically changed. Thus, the priority of the tasks for writing and reading and the image generation task are reversed every predetermined time interval.

Thus, claim 10 is patentable.

Regarding claim 11, as mentioned above, the Examiner maintains that it would have been obvious to prioritize tasks in order to increase efficiency. The Examiner does not appear to give any weight to the particular event triggers, and merely concludes that prioritizing the tasks in the claimed order would be obvious.

However, there is simply no suggestion in the prior art that the tasks are controlled, i.e., the writing process, based on the quantity of requests for printing generated by an execution of the generation process. The mere motivation of efficiency does not support a *prima facie* case of obviousness for achieving this specific claimed process.

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Claims 12 and 13 are patentable for similar reasons. Namely, the desirability of increased efficiency in the printing art is not enough motivation to provide the specific claimed invention of precedently executing particular tasks according to predetermined conditions. As mentioned above, none of the cited references teach or suggest dynamically controlling tasks within a print job, and thus, one would not have arrived at the claimed invention.

The remaining rejections are directed to the dependent claims. We would submit that these claims are patentable for at least the same reasons as the independent claims discussed above, by virtue of their dependency therefrom.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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